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WHO BEGAN THE FRONTIER TROUBLES?

WHO BROKE THE TREATY?

TO THE
HON. MEMBERS OF THE SENATE
AND
HOUSE OF REPRESENTATIVES, IN CONGRESS.

CONTENTS:

English Policy in the Canadas—Montreal Massacre—Canadian Legislation Nullified—Papineau's Declaration in France—Governor Head urged on the Revolt—He owns the fact—Espionage—Insults to America and Americans—Head's conduct approved by the Queen—Sir George Arthur told to follow his example—Lord Durham admits that the Revolt was a Trap laid by Government—Brougham's Opinion—Steps taken by England to goad the People to Insurrection—Lord Durham, on Canada—The Elections—A Colonial Parliament—Melbourne's Cabinet—Mr. Van Buren's Proclamation of Neutrality—Archbishop Carroll's Mission—John Quincy Adams's Oration—Silas Wright's franks—La Fayette—Mr. Pointsett—Secret Societies—The Prescott Heroes—The President's Policy—Mr. Duane, on Neutrality with France—English Justice—Melbourne's motives for producing a Revolt—War with the United States—Patronage—Revolt invited, to postpone a Surrender—Head on Agitation—Mackenzie's movement—The Welsh Insurrection—Americans in Canada—Movements at Buffalo, &c.—Artful use made thereof—Garrow's Report—Introduction to a Gun—Excellent results of the encampment on Navy Island—Meetings in Rochester—The Globe rousing the Frontier—England Arms the United States' Indians—Insults to the Frontier Citizens—Governor Murcy—Aaron Vail—Caleb Cushing, on Canada—An Appeal to Mr. Cushing—Shall our Treaties be maintained?—Reprehensible conduct of N. S. Benton—Lord John Russell praises the Military Officers and Government of the United States—Who are the Robbers and Brigands?—Marvellous Impartiality of the President!—Judge Wilkins on Neutrality—Law and its Twin Oracles!—And General Keim on Diplomacy—America always prepared for War—Kind compliments, the Globe and the English—The New-Hampshire Patriot—Durham and Buffalo—Secret Despatch—General Burr—The Frontier People—Conclusion.

2] WHO BEGAN THE FRONTIER TROUBLES?

There is a people, mighty in its youth,
A land beyond the oceans of the west,
Where, though with rudest rites, Freedom and Truth
Are worshipped——— SHELLEY.

God of Justice, where sleeps thy Thund'r?
CALEB CUSHING.

GENTLEMEN:

The following narrative of the origin and progress of the Canadian revolt of 1837, shewing the nature and extent of my connexion with it, rests on facts so indisputable, and presents the Canadian question in so new and interesting a light, that much advantage may be gained even by the well informed from its careful perusal.

I venture to assure you that a perusal of this address will afford unquestionable evidence of the important fact, that the Canadians, in 1837, were goaded into premature revolt, in accordance with the design, the deliberate, settled purpose of Her Majesty's Government in England, and with as bad faith towards your country as could have characterized the acts of an open enemy.

This was done--

1. To afford the Queen a pretext for suspending the constitutions of the Canadas and substituting the power of the foreign bayonet.

2. To increase the patronage of the Crown in the Colonies.

3. To give occasion for dissension with the United States, and if possible put this country in the wrong.

4. To enable England, in time of peace, to increase her land and naval forces on your northern frontiers, and to test the courage and fully ascertain the feelings and latent views of your border counties, your congress and national executive, so that she might correctly anticipate the extent of your resistance in the event of her provoking you to a general contest.

On the 21st of May, 1832, during an election, some of the citizens of Montreal were massacred in the public streets in the day time, by the British soldiery, under circumstances bearing a strong resemblance to the Boston massacre, six years before the revolution of 1776. Colonel Macintosh, their commander, returned to England, the king and his ministers received him with marks of special approbation, and his majesty invited him to dine at the royal board.

In March, 1837, both Houses of the English Parliament solemnly sanctioned the practice by the Colonial Governors of applying the whole revenue of Canada without the consent of its legislature, and thus reduced its people to a state of political servitude under a foreign military despotism.

Great excitement was produced in Canada by this virtual annihilation of the functions of the local legislative power, and on the 6th of November, the royalists injured Mr. Papineau's house, destroyed the office of the *Vindicator* newspaper, conducted by one county member and owned by the brother of another, began to arrest the men who had most of the public confidence, beat, bruised, and insulted the native population and goaded them into a premature revolt, for which the government had made every preparation, while the people had made none.

Fearing the result of a contest single handed with Britain, at peace with all Europe, the Canadians had sullenly borne for many years her cruel yoke. Mr. Papineau, in his manifesto recently published in

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France, says—"Now I defy the British Government to contradict me when I affirm that none of us had prepared, desired or even foreseen armed resistance. But that government had determined to rob the province of its revenue and of its representative system. It had determined to devote us, some to death, others to exile. It was with that view that it proclaimed Martial Law and caused citizens to be tried by Courts Martial for acts which, some weeks before, it had admitted could not furnish a plea for any accusation. The necessity of creating Courts Martial is founded on the impossibility of obtaining sentences of death from civil tribunals! Thus again has the Executive power put into operation against innocent men, in support of ill understood metropolitan interests, inhuman tribunals which it had itself acknowledged it had not the right to authorize."

Messengers were sent from Lower Canada, to influential liberals at Toronto, to enquire whether the Anglo-Canadian race would assist the sister colony. Though unarmed and undisciplined, the utmost willingness was manifested by reformers to embark in the cause.

Sir Francis Bond Head was then Governor of Upper Canada, on behalf of the Queen of England, and he has officially stated to the world that of this mission and our preparations for effecting a change in the government of the country, he was particularly well informed, and that he could have prevented all disturbances, both on the frontier and the interior; instead of which he says he sent away the English forces, out of the province, as an inducement to insurrection, and that he might be enabled to shed blood.

The Upper Canada Gazette Extraordinary, printed under "royal authority," "by Robert Stanton, Printer to the Queen's Most Excellent Majesty," on the 28th December, 1837, the day before his commander, McNab, had invaded New York, announces, that on that day, at Toronto, Governor Head "proceeded in state" to the Legislative Council Chamber, where being "seated on the Throne," he delivered a speech, containing the following avowals:

"Finding that against cool argument they [meaning the discontented republicans] could advance nothing, they desperately determined to try an appeal to physical strength, the avowed object of which was to force Her Majesty's subjects from their allegiance, and to subvert the British Constitution under the pretext of reform."

"As soon as this Conspiracy became known to me, I cheerfully approved of Her Majesty's Troops leaving the Province."

"I allowed the Leader of the intended Insurrection a full opportunity to make his intended experiment—I freely allowed him to write what he chose—say what he chose, and do what he chose—I allowed him to assemble his deluded adherents for the purpose of drill—I even allowed them unopposed to assemble with loaded fire-arms; and IN SPITE OF THE REMONSTRANCES WHICH, FROM ALMOST EVERY DISTRICT IN THE PROVINCE, I RECEIVED FROM THE PEACEABLE PORTION OF THE COMMUNITY, I ALLOWED HIM TO MAKE DELIBERATE PREPARATIONS FOR REVOLT."

Again, in a despatch dated from Toronto, on the 19th of same month, he tells Lord Glenelg, that "he observed with satisfaction," that I was pursuing a lawless course; "that I was freely permitted by him to make every preparation in my power "for revolt;" that "he purposely dismissed from Upper Canada the whole of the troops; and that the burning of private property after the struggle, was begun on Yonge Street in open day, by his especial orders."

Upper Canada, ever since I have known it, has been subject to the

4] WHO BEGAN THE FRONTIER TROUBLES?

most thorough system of espionage. Galt the novelist complained of it in Blackwood's Magazine—Capt. Matthews of the British Army had his pension taken from him on the report of a spy, and was ordered to return to England, for asking the band of an American company of strolling players, at Little York to play "Hail Columbia."—In this way, Sir F. Head became, as he admits, aware of our every movement. In certain Post Offices, letter opening is an item of duty for which there is a regular charge, and after Sir George Arthur had extended the spy system to the United States, he demanded a grant from the legislature to pay the wretches he had secretly employed, and whose names he concealed. Sir George, in his "speech from the throne," said:

"I have likewise been obliged to expend considerable sums in procuring accurate information of the designs of the conspirators in the adjacent States, as well as of their confederates within the Province: and in supporting a frequent and rapid communication with Her Majesty's Government at Home, and Her Minister at Washington.

"In confidence of your sanction being most readily given to these necessary disbursements, I have assumed the responsibility of advancing, FROM THE CROWN REVENUE, the amount of the most pressing demands under these heads of Service: and a statement of those advances, shall immediately be laid before you."

Sir Francis Head's public conduct was so satisfactory to Her Majesty, that Lord Glenelg thanked him for the good sense, skill and ability he had displayed as Governor, the Queen raised him from a knighthood of the Prussian order of Merit, to the high rank of a British Baronet, and on his recommendation, knighted the hero of Fort Schlessier, as Sir Allan Napier McNab.

So far back as May, 1836, eighteen months before the revolt, Sir Francis had issued a royal proclamation, from Toronto, insulting the American people, informing them that the Canadians detested democracy, and concluding with the bravado of *Come if ye Dare!*

These are extracts:

"The people of Upper Canada detest democracy; they revere their constitutional charter, and are, consequently, staunch in allegiance to their King.

"They are perfectly aware that there exists in the Lower Province one or two individuals who inculcate the idea, that this Province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible.

"In the name of every regiment of Militia in Upper Canada, I publicly promulgate—LET THEM COME IF THEY DARE!"

Governor Head informed Lord Glenelg, by letter dated Toronto, September 10th, 1837, that "the idle, the profligate and the unprincipled, see that DEMOCRACY in the United States is rapidly hurrying to ANARCHY and they well know that Anarchy, or, in other words, PLUNDER, is the shortest method of obtaining wealth." Again, he writes Lord Melbourne, that "republican principles had created on the continent of America a vulgar mob-tyranny under which neither life nor property are secure."—See Narrative, p. 440.

When Sir Francis Head demanded his recall, the instructions to Sir George Arthur were in spirit and in substance, "follow in the footsteps of your predecessor." In the Colonial Correspondence of 1839, we find Sir George writing from Toronto, May 13th, to my lord Normanby, as follows: I quote despatch 107, U. C.

"Before I left England, Lord Glenelg personally impressed very strongly upon me that the general tenor of Sir Francis Head's ad-

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WHO BROKE THE TREATY?

"ministration was entirely approved by Her Majesty's Government. I was to make this known on my arrival in Upper Canada, and to explain that no change of measures was intended by the change of Governors. I was to pursue the same line of policy as my predecessor, and to give my countenance to that constitutional party which had supported him and by which the majority of the present House of Assembly had been returned. A strict adherence to the same system was also distinctly and emphatically prescribed to me, in the Secretary of State's despatch, No. 7, of the 29th of Dec. 1837, to which I beg to call your Lordship's particular attention. Accordingly, on my first assuming this government I made it the rule of my duty to follow, with some modifications, the course of policy which my immediate predecessor had pursued. TO THE AVOW-
ED ENTIRE SATISFACTION OF HER MAJESTY'S
MINISTERS."



On the 21th of November, 1837, Lord Glenelg, Colonial Secretary, wrote Governor Head (despatch No. 247)—"Every act of which you have been the author, involving any of the general and permanent interests of the Province, I have sanctioned and approved."

You will thus perceive, that the Queen of England and her Ministers not only approved of Sir Francis's conduct in inviting and urging on a revolt, but that they also directed Sir George to use the same means, pursue the same system, and trust the same men.

That the frontier troubles of 1837-8 were invited, caused, and earnestly desired by "her majesty's authorities in North America," we have the above full and frank confessions, which His Excellency the Earl of Durham, Lord High Commissioner of the Canadas, to make special enquiry under authority of an act of the three estates of the English realm, duly endorses.

Lord Durham's powers to enquire into the affairs of Canada were more full and ample than had ever before been conferred on any Bri-

rich subject in America. His Lordship was no hanger on of a ministry but one of the wealthiest noblemen of the ancient families in the north of England. He avows and declares, in terms, yet more full and explicit than those I have quoted from Governors Head and Arthur's official papers, that her majesty's authorities in Canada, acting under instructions from Europe, exerted their utmost powers to tempt the people to "try the experiment" of an insurrection.

I possess an original, authorized copy of each of the documents here referred to; doubtless they are also to be found on the shelves of the Library of Congress.

Speaking of the above revolt (of December, 1837,) Lord Durham, in pages 59 and 60, folio report, says:



"IT CERTAINLY APPEARED TOO MUCH AS IF THE REBELLION HAD BEEN PURPOSELY INVITED BY THE GOVERNMENT, AND THE UNFORTUNATE MEN WHO TOOK PART IN IT DELIBERATELY DRAWN INTO A TRAP BY THOSE WHO SUBSEQUENTLY INFLECTED SO SEVERE A PUNISHMENT ON THEM FOR THEIR ERROR."

Lord Durham could have had no great trouble in arriving at this conclusion, for Sir Francis had proclaimed from "the throne" a year before, that he had deliberately set the trap and baited it himself, with the express design and intention of producing revolt, murder, confiscation, imprisonment and bloodshed.

It is well known that Lord Brougham opposed from the outset, the cruel attempt to goad the Canadians into revolt, and that he did not hesitate for a moment to charge ministers with that crime. So too, the London leading ministerial journal, the *Morning Chronicle*, in the number of the 3rd of December, 1838, fearlessly accused its patrons with planning the rebellion. "Protected (says the Chronicle) by their irresponsibility, the majority of the House of Lords did not hesitate to provoke this rebellion. *On their heads will be the guilt of the blood which will be shed in Canada.* The success which had hitherto attended their attempts to perpetuate agitation in Ireland led them to venture on the disastrous course pursued with regard to Canada."

The Governors of the North American Colonies are mere underlings. Lord Durham tells us, speaking of Lower Canada, and it is the same in Upper Canada, that "there is in it no power which originates and conducts the executive government"—that "the Governor is said to represent the Sovereign, but he is, in fact, a mere subordinate officer, receiving his orders from the Secretary of State [in Europe] responsible to him for his conduct, and guided by his instructions."

My Lord Melbourne and his associates in the Government, evidently desirous to keep up excitement on the frontiers of these states, had strictly charged Sir George Arthur to follow in the footsteps of Sir Francis. The High Commissioner's Report, drawn up by Lord Durham, Mr. Buller, Mr. Wakefield, and others, on the spot, gives us a copy of this rebellion producing receipt. It sets forth, page 28, that it would almost seem as if the object of those who established the system of government in Upper Canada, &c., "had been the combining of apparently popular institutions with an utter absence of

all efficient control of the people over their rulers"—p. 39; that "one of the greatest of all the evils, arising from this system of irresponsible government, was the MYSTERY in which the motives and actual purposes of their rulers were hid from the colonists themselves"—page 60; that a "family compact," "a small body of men," retain "a monopoly of power and profit"—p. 61; that even an Englishman, if he is not one of the faction "is less an alien in a foreign country than in" Canada—p. 62; that the disloyalty of American settlers had been increased by rendering their titles to their estates doubtful—p. 63; that government by giving every seventh farm in the province, and great temporal power therewith, to one small denomination of christians, had embittered the public mind—p. 65; that the Irish Catholics are and ever have been wholly excluded from a share in the government, though very numerous; that Governor Head had sanctioned and encouraged the establishment and spread of Orange Clubs; that parliamentary elections of the Attorney General and others, had been carried by means of the outrageous violence of these orange mobs—p. 66; that the administration of justice is impure, a very considerable part of the province without roads, schools, mills, post-offices or churches, and most of the emigrants poorer than they were ten years ago; that valuable lands given to support schools have been withheld from the people—p. 67; that tea and other articles are British monopolies, and the province without a port of entry—p. 68; that there is five millions of dollars of public debt, the money wasted, and the people burthened with the payment of the interest—p. 69; that the people are powerless, the executive irresponsible, and good municipal institutions refused to be granted—p. 75; that the United States frontier is a picture of prosperity, that of Canada poverty personified; that the average difference in the value of land between Upper Canada and New York and Michigan averages several hundred per cent.—p. 76; that the colonists are leaving for the United States—p. 78; that incalculable injury is done to the settlers by granting of lands to favorites who do not intend to settle on them, of which lands (p. 79) not a tenth is cultivated—p. 85; that these blocks of wild land "place the actual settler in an almost hopeless condition," and cause civilization to retrograde—p. 92; that British emigrants are ill-used at Toronto, and retire to the United States in disgust—p. 94; that a large portion of the people look with envy at the institutions and prosperity of the United States, to which Canada "presents a melancholy contrast"—p. 95; that if the system of government is not changed, an invader would soon find no resistance from the resident population—p. 111; that a colonist feels that his link in the empire "is one of remote dependence," while "in its government he and his countrymen have no voice"—p. 118; that the government of England had plunged the people into disorder—p. 57; that Sir Francis Head made himself a party at the electioneering contest of 1836, against the reformers, and thus procured the return of a House of Assembly without public confidence, "because, in fact, the circumstances under which they [the members of the House] were elected, were such as to render them peculiarly objects of suspicion and reproach to a large number of their countrymen. They are accused of having violated their pledges at the election. — — — IN A NUMBER OF INSTANCES, TOO, THE ELECTIONS WERE CARRIED BY THE UNSCRUPULOUS EXERCISE OF THE INFLUENCE OF THE GOVERNMENT, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the government; that such facts and such impressions produced in the country an exasperation

8) WHO DEBATE THE FRONTIER TROUBLES?

"and a despair of good government, WHICH EXTENDED FAR BEYOND THOSE WHO HAD ACTUALLY BEEN DEFEATED AT THE POLL," in other words, the majority were exasperated and despaired of obtaining justice—p. 59; that by Head's mock Legislature, "no economical reforms were introduced," while the new House of Assembly set public opinion at naught, and popular discontent "was carried to its height by an act, that appeared IN DEFIANCE OF ALL CONSTITUTIONAL RIGHT, "to prolong the power of a majority, which, it was supposed, counted "on not being able to retain its existence after another appeal to the "people." This was an act which has, "in fact prolonged the existence of the present Assembly from the period of a single year to one of four."

"Such (we are told by Lord Durham) are the lamentable results "of the political and social evils which have so long harassed the Canadas; and at this moment we are obliged to adopt immediate "measures against dangers so alarming as are rebellion, foreign invasion, and depopulation in consequence of the desertion *en masse* of "a people reduced to despair."

In such a horrible state of things the wonder is not that there was an insurrection, but that it was so long kept back. It will be seen that Sir Francis Head openly trampled on every vestige of the people's liberties, thereby to invite revolt. The country had sent three agents to England in 1836-7, not one of whom was allowed "to darken the doors of the Colonial office." And when Head's villainous conduct had produced bitter discontent, revolt and bloodshed, Sir George Arthur was despatched from Downing Street and told to walk the same course, and confide in the same men, and thus goad the people on to more intense resistance.

"Considering," says Governor Head, in page 30. of his Narrative "that our valuable North American Colonies were supposed almost by every body in England, and especially by the Government, to be on the point of separating themselves from the parent state," &c. Again, p. 194, to Lord Glenelg, August 29, 1837—"the Upper Province was, and the Lower is, apparently, on the brink of revolution. ——— The conciliations which Lord Gosford has been commanded to make in Lower Canada, have ended in  ANARCHY." Again, he writes Lord Melbourne, Sept. 18, 1838, "on my arrival in Upper Canada I found myself not only bounded on the one side by Lower Canada on the eve of a revolt, and on the other side, by the United States, whose GOVERNMENT, as well as people, were secretly using their influence to exterminate from the continent of America Monarchical institutions but I found myself exposed to and opposed by a republican House of Assembly." That Assembly represented the sense of the people, and it was changed by Sir Francis in the manner described by Lord Durham, to invite revolt.

To enable Sir George to harass Upper Canada and impoverish it more effectually, the British Ministry eagerly confirmed the dishonest colonial act by which a pretended popular body were enabled to vote themselves representatives of the colonists for four years though elected but for one session. And so barefaced was Lord Melbourne's cabinet, that in contempt of their own High Commissioner's Report, and after it had been presented to Parliament by the Queen, and circulated far and wide throughout Europe and America, they called together a House of Assembly thus elected and continued in defiance of the country, and against whose conduct the people were exasperated even to despair, and sought its sanction to statutes for the murder of American Citizens, who, prompted by a generous sympathy for

their oppressed brethren, had gallantly perilled their lives to break an ignoble bondage.

Alas! that an American Secretary of State should have penned, or an American President proclaimed from the immortal Washington's time honored seat, that the brave youths who listened to the cry of their distressed friends, neighbors and relatives, *thus entrapped*, and hastened to their relief, should "*be left, reproached by every virtuous fellow citizen, to be dealt with according to the policy and justice of*" the Canadian government; and that their conduct was "**NEFARIOUS**," "and without the shadow of justification or excuse."—Who can forget, that while monarchy remains on this continent, the government of these States is in danger?

Reduce to general practice the principle attempted to be established by this proclamation, and one man would be bound to see his neighbour robbed and murdered without giving him aid, if the deed were done beyond the real or imaginary line of the jurisdiction under which he lived. The attempt was not made until, on the authority of the High Commissioner of England, government "in these colonies" had been superseded by "constituted anarchy."

The United States were colonies of England in 1775, when they sent Archbishop Carroll of Md., C. Carroll, and Dr. Franklin, to invite the Canadian subjects of England to revolt. Had the right reverend prelate and those who sent him, half as good an excuse as Von Shulze and his noble comrades?

In 1835, your then printer, Duff Green, published by your order, at the national expense, 20,000 copies of an oration, delivered by that eminent citizen, John Quincy Adams, on the death and character of General La Fayette, of which I was favored at Toronto with two copies, one of them franked by "Silas Wright, Jun., U. S. Senate," one of your ablest statesmen, to whom I am a stranger. If Mr. Wright had sent among the fine young men of St. Lawrence and Jefferson Counties, the same chaste and beautiful eulogy on a young man of nineteen who left the voluptuous and elegant court of Versailles, and bade adieu to his blooming bride, to act as a volunteer for the liberation of a people of another tongue and origin, 3,000 miles distant, who knew not half the grievances the Canadians have groined under, the La Fayettees who fought at Prescott would have tried in vain to reconcile the admiration there expressed for the patrician of France, with Mr. Forsyth's harsh censures of conduct equally just, generous and disinterested towards their brethren beyond the St. Lawrence, as that which formed the theme of Mr. Adams's eloquent discourse.

Mr. Joel Poinsett, secretary at war, says, in his report of the 28th of Nov'r., 1838, that the citizens of the United States, "on the frontier" "are banded together in **SECRET SOCIETIES** for the express purpose of invading a province of a friendly power, which, but for this unjustifiable interference, would remain in peace and tranquillity." The means used are as reprehensible as the end proposed is "**NEFARIOUS**." And this republican in name goes on, regretting in true British tory style, that his department had not enough of such trained band soldiers in its standing army, as would be able, European fashion, to prevent all attempts of the generous Americans, to help Upper Canada, "or to succor the insurgents in the Lower Province."

Mr. Poinsett denounces secret societies as reprehensible. It may be so. I understand, however, that he was the most conspicuous and successful schemer of secret societies in all Mexico, when there as an American minister; and am credibly informed, that it was his successful example that furnished the idea on these frontiers of estab-

lishing Hunters' Societies, some of the original planners of which, were spies from the other side, whose testimony in Canada caused the violent deaths of some of the bravest of the American volunteers. It is difficult to believe that one who could use the language chosen by Mr. Poinsett, is other than a secret enemy of the equal rights and equal obligations system of honest democracy.

"You may go to banishment or the gallows," said Messrs. Forsyth, Poinsett, Van Buren and Kendall, to the Prescott heroes, though not in so many words, "reproached by every virtuous fellow citizen." That is to say, "the invaders of Texas, where there was no tyranny or revolt, were cheered on their way to conquest; and the volunteers, who went to aid oppressed neighbors, in Canada, where there is tyranny and consequent revolt, are doomed to the gibbet! General Jackson aroused a spirit unfavourable to unoffending Mexico: Mr. Van Buren throws his whole influence against unfortunate Canada! Weak Mexico is bereft of two of her Provinces, and mighty England is helped to keep hers in chains!"

And is this the language of honest old American democracy? Is the spirit of the Cabinet at Washington, the spirit of Seventy-Six?—Well may we say with the Historian of England, "mankind are, in all ages, caught by the same baits; the same tricks, played over and over and over again, still trepan them. The heights of popularity and patriotism are still the beaten road to power, and tyranny and flattery to treachery."

Is it not truly surprising, that the sycophancy to England displayed by Mr. Poinsett, should have descended, as if by inheritance, from one official to another during a period of half a century! Messrs. Jefferson, Madison and Van Buren speak in glowing terms of the benefits conferred by France, yet Poinsett pants for a standing force wherewith to hold the children of France in slavery to England in Canada.

See how anxious President Van Buren is to keep me in the closest confinement, that he may fulfil treaties and gain a smile from Lord John Russell, and political capital with the moneyed power! All this is in character when a friendless stranger is in his gripe, but was it so in 1795? Then France and treaties were deserted, to pay homage to England, and the Hon. W. J. Duane thus treats the matter in his excellent work on the law of nations:

"Of the baseness and perfidy of those acts, there is no language sufficiently strong to convey a just sense; they certainly afforded full ground to the French minister Adet, for declaring that '*under the cloak of neutrality our government presented a dagger to cut the throat of a faithful ally, and participated in the tyrannic and cruel rage of England, to plunge the French people in the horrors of famine.*'"

"Nor (continued Mr. Duane) was the expression of censure confined to the nation we had thus injured; the British Annual Register noticing the conduct of our administration, expressed these emphatic sentiments:

"Though little was to have been expected from *national gratitude*, it was supposed that *national honor* would have prevented the American government from seizing the opportunity, whilst France was struggling for a political existence, to throw the United States into the arms of its most potent enemy."

Something noble and chivalrous might be looked for from young nations as well as young individuals.

And what was that government of Canada to whom Mr. Forsyth, Mr. Woodbury, Mr. Poinsett and Mr. Van Buren left the heroes of

Prescott and Fort Henry, whose babes and their mothers yet shed the bitter tear for fathers and husbands martyred or banished, and what was its justice?

Its JUSTICE was military tribunals composed of the members of the orange clubs sanctioned by Head, because convictions in the civil tribunals could not be obtained. Its government was "CONSTITUTED ANARCHY."

Lord Durham writes to Lord Glenelg, from the Castle of St. Lewis, 9th August, 1838.—[A Secret Despatch.]

"My sole purpose is to impress upon your Lordship my own conviction, which has been formed by personal experience, that even the best informed persons in England can hardly conceive the disorder or disorganization which, to a careful enquirer on the spot, is manifest in all things pertaining to government in THESE COLONIES. Such words scarcely express the whole truth; not government merely, but SOCIETY ITSELF SEEMS TO BE DIS-SOLVED; the vessel of the state is not in great danger only, but looks like a complete wreck."

The same to the same, 24th Sept., 1838.

"Nor shall I regret that I have wielded these despotic powers in a manner which, as an Englishman, I am anxious to declare utterly inconsistent with the British constitution, until I learn what are the constitutional principles that remain in force when a whole constitution is suspended; what principles of a British constitution hold good in a country where the people's money is taken without the people's consent, where representative government is annihilated, where martial law has been the law of the land, AND WHERE THE TRIAL BY JURY EXISTS ONLY TO DEFEAT THE ENDS OF JUSTICE, AND TO PROVOKE THE RIGHTEOUS SCORN AND INDIGNATION OF THE COMMUNITY. I should indeed regret the want of applicability in my own principles of government, or my own incapacity for applying them, had the precise course which I should think it imperative on me to pursue in a land of freedom and of law, proved to be the only one that I could adopt in a country which LONG MIS-GOVERNMENT and sad dissension have brought to a condition that may fairly be described as one of CONSTITUTED ANARCHY. I have, &c., (Signed) D^Y DURHAM."

I have clearly shewn that it was the settled purpose of the English Government to force the people into open revolt—that England's rulers set the trap in Canada, as they had before done in the United Kingdom. Their object was three-fold—first, by extending the power of ministers to serve their political friends, by increasing very materially the naval and military force in these colonies, professedly to quell the storm themselves had raised, at a time when want of sufficient patronage to give away among younger sons and younger brothers, nephews and dependents of the men whose votes in parliament could turn the scale, put out the whigs and put in the tories. Well might the Times exclaim, "*the Canada war is a godsend to Lord Melbourne and the whigs.*"

The next object of England was to have a pretext for introducing in the rear of the United States' most flourishing settlements, a large body of troops, "to keep them in fear of our power," as Lord Durham said of the Buffalo folks. The English government proposed to Mr. Papineau a plan for dismembering the republic, and Governor Craig, by Lord Castlereagh's orders, employed Mr. Henry to divide it.

You confess your sense of the strength of this argument, by shewing that a like game of blood is played against your own peace by the

12] WHO BEGAN THE FRONTIER TROUBLES?

same wicked power. The authority you have emphatically selected as your own, the *Washington Globe*, of February 8th, says:—"The recent excitement on her (England's) part concerning the Maine Boundary, is a portion of that system which has for its end the commencement of WAR WITH THE UNITED STATES. The moment we are provoked by her insolence and brutality into acts of aggression, that moment our flag in the seas of China will become the object of her attack, and she will seek the vantage ground by placing her injuries to our trade to the account of the border war."

Again:—No government, whig or tory, can go on in England without possessing an immense patronage, civil, naval and military. O'Connell had beat the tories and rendered Ireland comparatively tranquil, inasmuch that the whigs had no pretext for continuing 30,000 to 40,000 troops there. The old game of getting up riots, disorders and insurrections, the government could play no longer, for O'Connell would not permit it, and in case the whigs quarrelled with him he could put them out of office, by joining the minority with his followers. Then it was that they turned their attention to raising disturbances in Canada, that by these means their patronage might not be lessened, but made efficient to kill the tender germ of freedom in Canada, and involve in trouble and expense "the friendly power" in whose gloomy bastille I have so long pined and wasted.

Governor Head, in page 420 of his Narrative, frankly admits that the English ministry had but two alternatives, either to break down the power of the legislatures of the Canadas or withdraw from this continent. He says that if the reform Assembly of 1836-7 had refused to meet him, as the Assembly of Lower Canada had refused to meet Lord Gosford, that the English Government, thus embarrassed in Canada, and by President Van Buren's demands respecting Maine, would have been unable to persuade an English House of Commons to go to the expense of resisting America, seemingly invited—"in short," says he, "the Canadas would have been surrendered by us."

The purposes of the tory loyalists in Canada were also answered—they cruelly punished those whom England had "deliberately drawn into a trap," banished some and massacred and incarcerated others of their leading political opponents, and harassed the great republican or reform party to a degree which excited the deep sympathy of thousands of generous American Citizens, and of many humane persons in Europe.

Sometime in 1833, Sir F. Head presented Lord Glenelg with an explanatory memorandum on Canadian affairs, which was laid on the table of the House of Commons and printed. I have obtained an official copy.

Sir Francis therein states, that many loyal persons in various parts fearing a revolt because the soldiers were removed, he assembled his council, whose proceedings I give in his own words:

"With a view to appease the fears I have described, we unanimously agreed that a volunteer militia corps of observation of 20,000 men should immediately be enrolled, and a militia general order to that effect was not only drawn up in council, but actually printed that day, and brought to the Government office for circulation. However, during this short interval, having had time to give deeper consideration to the subject, I again convened the council, and submitted to their serious consideration—

"That as the loyalty of the province of Upper Canada had been tested and recorded at the late elections, we had nothing in reality to dread, but a broken down unprincipled agitator, who, having sunk in public estimation exactly in proportion as he had been neglected, had long been making every possible effort to force me to buoy him up by a Government prosecution.

"That, however, it might appease the fears of the timid, nothing would in fact be a greater benefit to this reptile than that, in apparent dread of him, the Executive Government should call out 20,000 of the brave and loyal militia of the province.

"That on enrolling the names of 20,000 volunteers, it would immediately be promulgated by the agitator that the Government was afraid of the people of Upper Canada, and had therefore determined to select and arm the Tories to put them down."

"For the above and many other minute reasons, the council came to the determination that the Attorney General should immediately be directed especially to watch the movements as well as writings of Mr. Mackenzie; that he should report to the Executive Government for the purpose of the apprehension of the agitator the first act of overt treason, but that, instead of the government allowing itself to be trifled with or agitated by such a man, it should not strike till the tiny enemy was clearly within its reach, and that therefore the order for 20,000 men should be rescinded.—And accordingly it was rescinded."

The term, "reptile," "broken down unprincipled agitator," "tiny enemy," in this official document, are in as bad taste as "old Granny Harris," "petticoat hero," "vain old man," "venerable donkey," "old weather-beaten pony," were applied in the official Gazette of your nation and legislature, the *Washington Globe*, to an eminent military character in whom a portion of the people have confidence. But I give the passages as I find them. Sir Francis in the preface to the third edition of his "Narrative," is candid enough to admit that the highest rewards were at the service of Mr. Papineau and myself, if we had chosen to abandon the people or make terms with their enemies. For my part, I prize independence so much that even in this wretched place I do not care to please any party at the expense of concealing the truth. I am a republican.

The truth, however, is that Sir Francis issued the order because it would please the complainants, but had no intention to carry it into effect, lest it should interfere with the policy of England, which was, to produce a revolt, to catch the unarmed liberals "in a trap." He goes on therefore to remark—"Having thus deliberately determined to wait until Mr. Mackenzie should commit himself," &c. &c.

Sir Francis makes great boasts of the loyalty of the militia; not so Lord Durham. He says, p. 59—

"It has not, indeed, been exactly ascertained what proportion were prepared to join Mackenzie in his treasonable enterprise, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp."

That success was within the grasp of those who were in arms, half armed and miserably accoutred as they were, and without a bayonet among them all, is indisputable. That they did not seize the favorable hour was not for want of being early reminded of the consequences of neglect. I ascertained by the experiment that all good patriots do not in a moment become daring soldiers. The slaves of England dread their task master's whip. Ten or twelve thousand men, most of the sturdy Welsh miners, mechanics and laborers, generally well armed, marched into Newport, Wales, one day last November, at noon, under Mr. Frost, formerly mayor of that borough. To meet them, there were thirty Irishmen, who had been laborers or mechanics like themselves, with but this difference, that they had since been taught the military exercise, and dressed in red coats. Like that at Toronto, here was an insurrection, rendered necessary by oppression and warranted by a reasonable probability of a happy termination," which, according to Sir James MacIntosh, "is an act of public virtue, always environed with so much peril as to merit admiration" yet Sir Frederick Pollock, in his able defence of their brave, patriotic, and honest though unfortunate leader, Frost, says, that "the moment the military (30) pointed their pieces to fire, the very instant that one person was seen to fall, the multitude (12,000) threw down their weapons and fled in every direction, making no resistance, and in a few minutes not a chartist was to be seen in Newport." Had they obtained even a

14] . WHO BEGAN THE FRONTIER TROUBLES?

momentary success, the ball might have rolled and England been at this day once more a republic.

There are probably 150,000 natives of the United States in Canada, and the people of the two sides of its extended frontiers are in terms of friendship, through inter-marriages, traffic, religious connexions, &c. Who then can feel surprise at the conduct of the people of Buffalo, Watertown, Detroit, Rochester, and other places where Canadian sufferings were known?

Although the revolutionists at Toronto had been defeated, a party of them remained in arms—another party were up in arms near the Short Hills, Niagara District—and a third body of 700 to 800 men, under Duncombe, in the west. Large bodies of the population of Lower Canada, were still fighting and unsubdued. "The contest," then, according to your minister in London's letter to Lord Palmerston, requesting redress for the loss of the Caroline, was "one, *de facto*, of war," civil war, and your judges, Messrs. Betts and Thompson had promulgated from the seat of justice at New York, that in such wars Americans might lawfully engage, or send aid in arms ammunition, and provisions.

What did they do?

I pass over their meetings in other places, and come to those in which I am more immediately concerned, held at Buffalo.

I am most sincerely of opinion that neither in Upper nor Lower Canada did any individual connected with the revolutionary movements, ask aid or assistance from these States until it was proffered to them. England intentionally produced a state of civil war in both Canadas. The citizens of Buffalo nobly resolved to aid the weak against the strong—the plundered settler against his European tyrant.

An overflowing meeting of the people of Buffalo was held on the 5th of December, before they knew of any Upper Canada movement; it was resolved to send for me to that city, that I might shew their respectable committee how they could effectually aid the Canadian emancipation, and I was invited accordingly. A second meeting of 1,500 citizens took place on the 6th or 7th, in expectation of my arrival, whereat Lewis F. Allen presided, and stated that General Porter, former secretary at war, had sent a message, that "ill health alone prevented his attendance." The Buffalo Commercial Advertiser mentions that the speakers there were Col. Chapin, Seth Hawley, Col. A. Palmer, David M. Day, Mr. Stow, and Mr. Sutherland—and the Rochester *Democrat* of the 8th intimates that volunteers began to be raised.

On the 11th, a third meeting was held in the theatre, just as I arrived in the city (for the first time in many years.) My arrival became known; I was at Colonel Chapin's, and declined to address the assemblage or to be present. But they resolved that I must do so next night, and after I had ineffectually endeavoured to induce Dr. Rolph to explain the situation of Canada, in my stead, I promised to attend with Dr. Chapin, on the 12th, and did so. You will thus see that excitement was at its height previous to my arrival in Buffalo.

The theatre was filled by about 2,000 persons, Mr. Tillinghast of the United States Bar, was appointed chairman; he made a speech and introduced me to the meeting, which I addressed. Mr. Seth Hawley, now a member of the State Legislature, spoke next; then Mr. Sutherland and others, and a Canada Committee was appointed, consisting of E. Johnson, late mayor. E. Ruden, J. Stringham, J. G. Masten, John A. Wilkinson, George P. Barker (late administration candidate for mayor,) H. K. Smith, Seth C. Hawley, F. G. Macy, H

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Seymour, jun., J. M. Bradford, L. A. Phelps, and Alonzo Rayner, all of whom cheerfully consented to act, and did so.

Mr. Sutherland's acts, in that theatre, or after the people went away, I had nothing to do with, neither did I advise them. The people that met at the door I did not see, nor their band, till they came near Dr. Chapin's, (where I slept,) cheered and dispersed.

A military expedition implies persons bound by some agreement to act together for some military purpose. In that sense there was no expedition at Buffalo. Mr. Sutherland and others went to Black Rock, on their way to go into Canada as volunteers, whither they had been bound before I had crossed the frontier, and numbers had previously passed over into that country. I did not accompany them—I did not direct them—all I did was, on the 13th, in the course of the day, when I saw the sheriff about to take away the arms of men strangers to me, who said they were going into Canada, was to ask if he would wait till I could tell the Committee at Buffalo, their situation.

I addressed a handbill from a place in Canada, to the people of Canada, and not to the citizens of these States, neither did I disperse any bills in these States.

And on this evidence, I have been entrapped for nearly a year into this wretched place, shut out from society, and injured in health and strength, while your own citizens, who did all that was done, and that openly too, are saved harmless.

Read this extract—

From Congress Papers, Document No. 74 of 25th Congress.

MARSHAL GARROW TO N. S. BENTON, DISTRICT ATTORNEY.

ROCHESTER DEC. 21, 1837.

DEAR SIR: I arrived here last night at ten o'clock; sent for General Gould and some others of this place. There is much excitement here; forty soldiers marching the streets of Rochester to-day under drum and fife; two pieces of cannon went off this morning and THREE FOURTHS OF THE PEOPLE HERE I LEARN ARE ENCOURAGING AND PROMOTING THE THING, AND SEVEN EIGHTHS OF THE PEOPLE AT BUFFALO AND ALL ALONG THE LINES ARE TAKING STRONG INTEREST IN THE CAUSE OF THE PATRIOTS; MANY FURNISHING ARMS, AND LARGE QUANTITIES OF PROVISIONS CONTRIBUTED AND FORWARDED TO THEM, AND VOLUNTEERS CONTINUALLY GOING ON. I do believe that it is indispensable that you come on immediately to Buffalo. Very little can be done with processes. I am yours.

N. GARROW.

And this—

[Extracts from President Van Buren's Message to Congress, Dec. 2, 1839.]

The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavouring to improve the political condition of Mankind. This generous feeling they cherish towards the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbors. . . . On a review of the occurrences on both sides of the line, it is satisfactory to reflect, that in almost every complaint against our country, the offence may be traced to emigrants from the Provinces who have sought refuge here. IN THE FEW INSTANCES in which they were aided by Citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well known wishes of their own government, but met with the decided disapprobation of the people of the U. States. I regret to state the appearance of a different spirit among her Majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions, which have been so frequently expressed there, and the disregard of our rights which have been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the subordinate local authorities, of the Provinces.

The following is a literal copy of one of many papers sent from places in the United States, to Navy Island in Upper Canada, omitting names:

"To the Officer on Navy Island, U. C., to whom this paper may be presented,

16] WHO BEGAN THE FRONTIER TROUBLES?

"Sympathising with our friends in arms, in what we believe to be a just cause, with the advice and at the suggestion of some of our friends, we have assisted Capt. ——— to convey the field piece in possession of the Artillery Company in this town to your encampment. If it should prove acceptable, receive it with our best wishes for your prosperity. We recommend Capt. ——— to you as a gentleman and a patriot, and we vouch that no mean motive has induced him to the present step. Consider the piece as a loan and return it when no longer useful to you."—Dated at "——— December 30, 1837," and signed by the Officers of Artillery and Infantry.

The plan of taking possession of Navy Island by the insurgents from the Niagara District and the volunteers who joined them from Buffalo, Rochester, &c., was attended with one most important result. No sooner was Sir Francis Head re-established in the viceregal dwelling from which one revolt had driven him, and his family re-landed in Toronto on the Steamboat in which they had sought shelter on Lake Ontario, than it was resolved between him and Chief Justice Robinson to get up a special commission forthwith and try, hang, banish, transport, send to the penitentiary and confiscate wholesale. The papers were all made out appointing the ministers of this "bed of justice," and dreadful would have been the slaughter, *under color of law*, but the news that the republicans were on Navy Island and that the blood of '76 yet circulated in the veins of the children of their great revolution, struck inconceivable terror into Head's councils at Toronto, saved many lives, and prevented much plunder and cruelty. Even in London it carried a great consternation on the Stock Exchange, and the British funds, or value of the national debt, fell from two to three per cent. in the space of two days.

In this city, the second Canadian public meeting was addressed by Samuel G. Andrews, since Mayor of Rochester, now Clerk of the Senate of this State, J. W. Gilbert, recently appointed to office by Governor Seward, George Dawson, now Printer to the State of Michigan, George W. Pratt, C. G. Lee, William Bloss, and others.—The Democrat says it "was the largest and most enthusiastic meeting which had ever assembled in Rochester upon any occasion."

And who can wonder that your citizens desired to help us? Are they not taught from infancy to consider the English government as a cruel and tyrannical sway? Look at the *Globe* of the 29th of February and 2nd of March last, and you will see England officially represented by the President of the United States, as cruel, perfidious, unrelenting, oppressive, insulting and unjust—your countrymen are reminded that the western winds had been whitening with the bones of American women and children, while their blood was trickling down the walls of their former homes, and that the Indian war-whoop and the British drum had in unison saluted the ears, while the Indian tomahawk and the British dagger were suspended over your citizens' heads.

What have I said or done that will produce the one hundredth part of the excitement, of such language from such sources, at such a time? And if I have not, why do you sacrifice my health and liberty to the diplomacy of your government, without even a request for information?

We all know very well, that while I have been selected by the President for conviction from among those against whom indictments had long lain over, for conviction, to please England, simply because I spoke in the Buffalo theatre, and at Black Rock expressed sorrow when I saw the Sheriff take the muskets claimed by volunteers waiting to cross to Canada, yet no one recollects that for 25 years, ever since the close of

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at war, England keeps in pry, great bodies of the United States Indians, and annually furnishes them with the weapons of destruction to be used against the citizens of the United States. "I must say, I think the Americans have reason for the jealousy they express at the British Government interfering, by positively arming their own Indians, with whom they are at war, with English guns, powder, and ball."

It is of no use for the President to declare in his messages that the frontier troubles are the work of a few miserable exiled republicans.—He knows it is not so. Lord Durham wrote Lord Glenelg in the summer of 1838, and I have an official copy of his letter, as follows: "Sir John Colborne informs me that Governor Marcy stated to a gentleman, who was his informant, that the feeling along the whole frontier of the State of New York was so strong, that it was beyond his control, by any means at his command. But then, it must be remembered; that the whole population referred to are of the worst class and description—squatters, refugees, and smugglers; and that the Executive power of the United States' Government is a perfect nullity."

Unfortunate frontier people! Durham sneers at you as squatters, refugees and smugglers—Aaron Vail declares you are the scum of education—and Joel Poinsett prays for a Russian squadron to prevent you from succoring suffering humanity. When shall it be otherwise!

Do not your fourth of July orations annually prepare your citizens to abhor England, and inflame their minds against her because of her cruelties? It is but a few months since you placed that able, intelligent and ind fatigable representative, the Hon. C. Cushing, second to the most important of all your committees in times like these, the *Foreign Affairs*. On the 4th of July last, you would have found him, filled with the spirit of '76, at Springfield, Mass., near to the roughest scenes of his country's glory, the orator of the day, rousing his intelligent auditors to deeds of patriotic vengeance, and appealing to their reason, their interest, their passions, and their fears, for Canada, for America, against the government of England. I give you his words, but the soul-stirring eloquence of his voice and manner, who can portray it! He said:

"But on the northern and eastern frontiers of the United States, overhanging us from sea to sea like a lowering storm-cloud, are the British Provinces, still dependent on Europe. That, is the point of peril. There, is monarchy in its worst form, that of the forcible occupation, by a foreign prince, of a country whose natural position and social constitution, and contiguity to us, impel it toward independence and freedom and self government. — — — Colony and Liberty are ideas incompatible."

"The Canadas have far greater causes of complaint than we had when we belonged to Great Britain. — — — They have been grossly, wickedly misgoverned. There is no doubt of this.—It is proclaimed by themselves; it is declared in the British Parliament; it is admitted by each successive Colonial Secretary; it is spoken out in language not to be mistaken, the language of insurrection and civil war. It is monstrous for Americans to deny that the Canadas have been misgoverned; it is idle for any body to deny it. I engage to exhibit a parallel of every one of the specifications of tyranny set forth in our Declaration of Independence, by the same or greater acts of tyranny perpetrated by Great Britain in the Canadas."

"At the present time, they are consigned to the tender mercies of military despotism, martial law, and occupation of the country by armed hosts of imported mercenaries; their trusted public men cut off by the judicial murder of courts martial, or driven into exile;

185] WHO BEGAN THE FRONTIER TROUBLES?

"their villages given up to sack and conflagration; their young men, some sabred in the field without quarter, others murdered in cold blood, and without trial, after battle is over; their women violated, the bodies of their slain patriots left to rot on the ground unburied, or turned over to beasts to devour! God of justice, where sleep thy thunder? Is there no vengeance for those who do those deeds?"



"of ignominy and horror? Is it to be endured, does it not make the blood boil, that Europeans,—hireling soldiers of fortune, aliens to the land and its people, the base and sordid tools of transatlantic lust of power, should pollute the rich soil of America with such enormities? We shudder at the recital of these very acts of horror when perpetrated by Turks in Greece, or by Russians in Poland.—*Shall they happen at our door-stone, and awaken no condemnation?* They shall not, they will not, until the Declaration of Independence be expunged from our memories, and every sentiment of patriotism and freedom, which hallowed the Revolution, be extinguished in our hearts."

The 4th of July orator whose soul stirring words, conveying truth of awful import, I thus place before you, is a member of congress, a whig partizan, high in political station, and the influence of such opinions as the above, will be a hundred-fold more powerful to keep alive a feeling of horror and detestation against England than all could have done, in Buffalo, had I continued talking there till now.—The Prescott heroes will not be "without a shadow of justification," while Mr. Cushing is able to exclaim—"God of Justice! where sleep thy thunder?" The citizens of Rochester and Buffalo may look for their justification in the picture he has drawn. And I might now as him, for what, if not the most inexcusable of party purposes, does he and his friends in Congress allow me to be sacrificed at the shrine of a pitiful diplomacy by Martin Van Buren, and the country to be disgraced in my partial punishment!

England forced on revolt—he has shewn us its fruits.

In the *Mohawk Courier*, Mr. N. S. Benton, the District Attorney for the U. S. published his speeches to the Jury in my case, authenticated by his signature; and it was said, that the question was not "whether Mackenzie's course in Canada was proper, or whether the Canadians should be freed from British rule—but whether the constitution and the laws of the land and our treaties with foreign nations are to be maintained." The challenge was also given—"Would ask the Editor of the Gazette, whether he knows the District Attorney has been furnished with the name of an offender, and

"the witnesses to prove the charge, and has neglected a prosecution?"

This is the point where the deepest hypocrisy has been, as I think practised. First, Mr. Secretary Forsyth writes Mr. Benton from Washington, 21st December, 1837, "to institute legal proceedings against all such persons as shall appear to have violated the laws of the United States."—Next, Mr. Benton institutes proceedings against many—drops them against more—follows them up to the attainment of indictments from Grand Juries, against some 20 to 40, by producing evidence—and then selects some two or three of those indictments for trial before juries got up in defiance of the statute and of reason—because the government particularly desire to have two or three particular individuals punished, seeing the British Government, through the Governor and Judge Jones of Brockville have hinted that it would please them. That it is as I state, you will readily ascertain if the proper returns are moved for.

Lord John Russell, in the House of Commons, on the day the present session of the English Parliament began, replied to the leader of the opposition, Sir Robert Peel, concerning frontier outrages, "that the measures which have been taken by the government of the United States have been of a more efficient and energetic character than they formerly were—(hear, hear)—the military provisions have been superintended by OFFICERS who have uniformly exhibited the utmost GOOD FAITH, LOYALTY, AND FRIENDSHIP, TOWARDS HER MAJESTY'S COLONIES AND HER MAJESTY'S SUBJECTS; and in the courts of law, where the greatest prejudice was supposed to exist, some convictions have taken place of THE MOST NOTORIOUS OF THOSE BRIGANDS AND ROBBERS who infested our territory."

As Case and I are the only Canadians "entrapped," of course Lord John thus honors Mr. Van Buren for our capture, and the President, between whom and Mr. N. S. Benton there appears to be a very good understanding that only such are to be brought out for conviction as will be most agreeable to John Bull, gains an impartial character by conduct which, from my soul, I would heartily despise and condemn in my nearest relative or best friend.

What perfection the administration of Justice (!) has attained to, under Mr. Van Buren! He would not for the world interfere with the decision of a court in a caselike mine—not even for the purposes of humanity to save my health from sinking for lack of fresh air and means of exercise—but his bosom friend N. S. Benton may obtain indictments and then throw them on the shelf till England wants more victims or the United States diplomatists more argument! W. L. Mackenzie cannot be relieved, but on the month on which Mackenzie was indicted, the late postmaster of Buffalo, was turned out of an office worth 4,800 dollars a year to make way for one of the men who was openly and notoriously among the foremost to invite Mackenzie into Mr. Van Buren's patriot trap at Buffalo!

Had the President been guided by principle in his refusal to interfere with the sentence of a federal court in cases of breach of neutrality, would he not have abstained from doing so? Col. John Vreeland had a command on Navy Island, went up to Detroit, aided an expedition there, and was convicted in the United States Courts, ordered for 12 months imprisonment and fined a thousand dollars. The confinement was little more than nominal, no refusal of fresh air and exercise, and the \$1,000 fine the President remitted him. Vreeland was an American citizen of Dutch descent—Mackenzie an invited guest of the peo-

207 WHO BEGAN THE FRONTIER TROUBLES?

ple of Buffalo, whose close confinement could be turned to political account with the folks in London, through pending negotiations!!

One of the U. S. Judges, the Hon. Ross Wilkins, of Detroit, in his charge to a jury, reminded them not long since that neutrality laws which your government and nation were quite willing to forget when you had the weak power of Mexico to deal with in the case of Texas, had to be brushed up anew and set in motion when England became the antagonist. I forget his precise words, but their import was most humiliating to your national honor and integrity.

Mr. Van Buren, I'm told, referred the prayer of some 50,000 memorialists for my release, to this Mr. Benton of Little Falls, whose dwelling is his half-way house, on his New York tours. And I learn that the District Attorney reported stoutly against humoring the 50,000 Citizens by my release. How these two lawyers must have chuckled at the unique idea of professing so special and particular a respect for principle and the purity of the administration of justice, that the President would not dare so to interfere with its solemn decrees, as to set free one whom England had assured him she desired to punish, while they knew that of all the 10,000 or 100,000 offenders under the Anti-Texan face of their cam-leon colored statute, they had penned up only some 30 or 40 in the indictment fold, from whom were previously selected those they had agreed not to forget about.

I may here copy a letter from one of yourselves, in the name of three honorable members of Congress. How he had found out that an application by me to Sir George Arthur for an American pardon would relieve the question of my enlargement from embarrassment. I leave it to the honor of the President to explain. Who but Mr. Van Buren could have told him that!

From the Honorable General George M. Keim, Member of Congress, to the Secretary of the Philadelphia Democratic Association, showing the result of a conference between three Members of Congress and the President of the United States

To Messrs. William Gilmore and Robert Christy, Secretaries of the Democratic Union Association, Philadelphia.

WASHINGTON, December 28th, 1839.

Gentlemen:—On behalf of a resolution of the Democratic Union Association, for Messrs. Paynter, Ingersoll and myself to call upon the President of the United States and request his attention to a Memorial relative to the pardon of William Lyon Mackenzie, it becomes my duty to say that we have fully discharged the desire therein expressed.

The President, who is at all times anxious to gratify the wishes of any portion of the people, regrets exceedingly, that in the present juncture of pending negotiations with Great Britain, it would be improper to interfere with the action of our courts of justice, and therefore at present could not decisively move in compliance with your wishes. Every possible means have been exerted to make the confinement of Mr. Mackenzie a nominal one, and to gratify his every wish, save his release.

My own private views, are that if the friends of Mr. Mackenzie, would appeal to the magnanimity of the president representative of the British provinces in North America, by his request, he would be released, and relieve the question from the embarrassment in which it seems involved.

I have the honor to be, your friend and servant,
(Signed) GEORGE M. KEIM.

The conduct of the government in these state trials, the measures it has had recourse to, and the entire absence even of the shadow of impartiality, may well bring a blush into every manly cheek. The recompense for such weakness is the approbation of the men in London, who made Canada what Mr. Cushing describes it to be in the oration I have cited.

Mr. Van Buren has not borne the insults of England thus thankfully because the country was unprepared for war. On the contrary, the first act of his official life was to declare in his inaugural address March, 1837, that "the last war, far from impairing, gave new confi-

"dence to our government; and amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to protect its rights. We may not possess, as we should not desire to possess, the extended and ever ready military organization of other nations; we may occasionally suffer in the outset for the want of it; but, among ourselves, all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad."

His mandate, however, stifled the voice of sympathy in Albany, after the massacre of Schlosser, and when men of all parties had met at the capitol to succor their fellow christians in the hour of woe and wretchedness, the command from the White House left them to perish.

In the *Washington Globe*, (a publication by high authority,) of date the 8th of February last, the English East India Company is called the father of smugglers, English merchants are violently denounced as unjust, immoral, fraudulent, unprincipled. The *Globe* asks, "of what value is human blood in the eye of English cupidity?" "and what spot is there in the ravished east that she has not polluted with the principles of the smuggler and the rapacity of the pirate?" It cries, "Shame on thee, England! shame on thy base and grovelling spirit of traffic!" and declares that the English armies are ever ready to protect her merchants in her course of fraud and rapine. Not one line dare appear in the *Globe* that is not in full accordance with the views of the President and his majorities in your two houses. And if he and you may thus excite the most intense feelings of hatred to a power you thus describe, why sanction the mockery of keeping me eighteen months in which I may not once breathe the pure air of heaven, except through the bars and grates of a gloomy prison?

If you are the men to give freedom to Canada, why do you allow your government to begin the amelioration by acts of partiality and shameful injustice towards her exile? It is not for myself I complain, I wish to test ye, whether we are merely to change one yoke for another not less onerous.

One of your party editors speaks boldly up—rather an unusual thing in these days of bellweather presses:

[From the *New Hampshire Patriot*.]

William L. Mackenzie has been tried at Canandaigua, for violating the neutrality law, in aiding the insurrection in Upper Canada, and sentenced to eighteen months imprisonment in the common jail. He is now suffering in close confinement like a common felon, whilst McNab, who came into American waters, burnt an American boat, and destroyed the lives of several American citizens, is enjoying the honors of knighthood for his exploit! To us the whole proceedings on the part of our government officers in relation to the Canadian insurrection has looked like pusillanimous truckling to Great Britain. A jury who could find Mackenzie guilty ought to be tarred and feathered and sent to Nova Scotia—and a judge who would pass such a sentence, deserves the execration of every friend of liberty. If this case comes within the scope of executive clemency, we hope the President will liberate the Canadian patriot forthwith.

Lord Glenelg, on the 13th of July 1838, quotes to Lord Durham, Sir John Colborne's report of the previous month, who thinks "that with 3,000 regular troops" and Captain Sandom's flotilla, no danger whatever is to be apprehended from the "menaced operations of that part of the American population apparently beyond the control of the Governor of the State of New York and the United States' Government." And Sir Francis Head assures Mr. Fox, 23rd of December, 1837 that "the people of the United States are so excited on the subject (of Canada,) AND SO RIFE FOR PLUNDER, that no words or writing will in his opinion, stop them."

"Rife for plunder" indeed! Who sacked the maiden city of your Empire, and wantonly burnt the capitol? Who hired the western savages to massacre help-

22] WHO BEGAN THE FRONTIER TROUBLES?

less youth and age? Who took for their watchword "beauty and booty" on the eve of New Orleans?

Lord Durham writes Lord Glenelg, July 16, 1838, "Opposite to Fort Erie, is the town of Buffalo, the head-quarters of the Robbers and Pirates who have so long infested this country. Its extent and appearance is surprising." And on the 19th he writes again from Toronto, that on the 17th Sir John Colborne and himself had reviewed the troops, and given notice beforehand so as to get the Americans near these "head-quarters" to come over; that they did so, and were filled with awe which was the sole object of the review.

I have shown that the revolt was produced by the English Government itself—that it sent off the troops a little way to induce the people to rise, so that American simplicity might produce frontier troubles, and thus afford a pretext for the introduction of additional troops and an increased naval force, through pretended fears of the sympathizers. "THE EXECUTIVE HAS BEEN BOTH NEGLECTFUL, AND CORRUPT," said Durham to Glenelg, in his dispatch marked "SECRET," 9th August 1838, since printed in Papers B. N. A. p. 157. Yes, and by forcing the people into open insurrection, and exciting in the breast of the humane citizens of these states, feelings of kindness and compassion for their own flesh and blood, feelings honorable to our common nature, and which no free government could have smothered, even by the union of St. George's bloody cross with American Stars, they trampled under foot their treaties of neutrality, and made their wanton invasion of the American soil at Schlosser, a standing joke, an annual British festival. Having thus enraged beyond human forbearance the free sons of this free soil, England's Lords, the of successors that English Lord who hanged Colonel Haynes, taunt the state and national authorities, about their unruly citizens! Aaron Vail takes a trip to Canada to assure George Arthur that we of the frontiers are "the scum!" and the renowned General Burt of Buffalo follows to testify "that the country near the lakes was overrun by an ungovernable mass of the lowest class of people!" The U. S. Government respond to all this assuming that the republic is to blame, I get one little corner in a presidential's message, another in Lord John Russell's opening speech, and a third in an American Bastille!

I appeal, Gentlemen, to your sense of justice, to your candor and love of country, whether the persecution to which I have been so long and so cruelly subjected ought not to cease. Invited to your country by unsought promises of aid from your most distinguished citizens, advantage has been taken of my ignorance of your laws to punish me for offences, if such they were, committed by others, who go free because of their influence and standing in American society, I appeal to you as honorable men, I demand enquiry, and fear not your verdict in a "land where Freedom and Truth are worshipped."

W. L. MACKENZIE,

Monroe County Jail, April, 1840.

With those feelings, in their hearts, the inhabitants of our North American colonies - - - - - have seen these demagogues who had no real stake in their country, one after another, encouraged or promoted by her Majesty's Government—and while this party, whose evident intention was to rob and murder them was busily occupied in broad day light in making pikes, purchasing rifles assembling for drill, forming themselves into unions and thus creating general apprehensions throughout our colonies they have seen the Ministers of the Crown, in spite of warning or remonstrance, resolutely insist on elevating over the heads of the loyal population, the ringleaders of the conspiracy—they have seen the *arch-agitator of each of the Canadas* offered to be rewarded; - - - in short they have seen the Ministers of the British Crown actually fan into a flame the embers of rebellion, which the representative of the Sovereign, but for the encouragement shown to agitators, would easily have extinguished.—Sir Francis Head's Preface to the 3rd Edition of his Narrative.

OPINION OF DRS. WEBSTER AND SMYLES.

The undersigned are of opinion that the confinement of William Lyon Mackenzie to jail, without being permitted to exercise in the open air, has had a very injurious effect on his general health.

The jail is built on a low swampy piece of ground, and for the most part of the year is nearly surrounded with stagnant water. In consequence, Mr. Mackenzie has already suffered from marsh fever; and there can scarcely be a doubt, that when the warm months of summer return, he will again be subjected to this debilitating disease. The close confinement has also an injurious effect on his highly susceptible nervous system. Under such circumstances, we the undersigned are decidedly of opinion that out-door exercise is absolutely necessary to sustain his general health.

JAMES WEBSTER, M.D.,

Prof. of Anatomy, Geneva College.

JOHN SMYLES, Physician and Surgeon.

MARTIN VAN BUREN AND RUFUS KING.

In 1819, as will be seen by reference to Holland's life of Van Buren, Rufus King was sent to the United States Senate at Washington, as a fit representative of the democracy of New York State, chiefly through the active and unwearied efforts M. Van Buren. Who Rufus King was and what were his politics, may be ascertained from the following extract taken from a letter in the *Albany Argus*.—Irishmen, English, Scottish and French Democrats, read, and say whether you can believe Van Buren an honest, true hearted Republican?

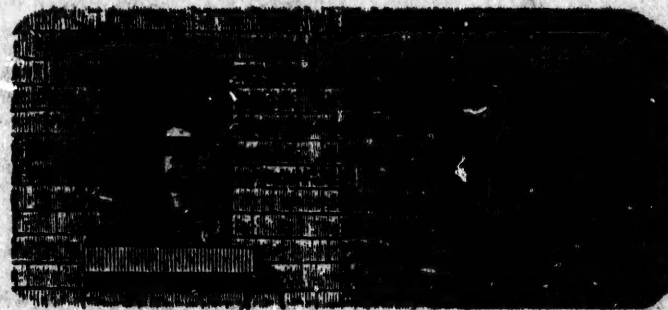
[From the Albany Argus.]

TO RUFUS KING.

When I bring to my recollection the name of *Thomas Addis Emmet*, it must crimson your cheeks; yes, sir, you have inflicted on that great and good man the heaviest calamities. You have been the means of confining him a close prisoner in Fort George, in Scotland, for four long and tedious years. You have, unwittingly I grant, been the means of the public and disgraceful execution of his brother, the martyred Robert Emmet, for indiscreetly daring to redress the wrongs of his injured and oppressed countrymen. You have been the means of depriving a son of the sad solace of closing the eyes of his venerated parents, and a brother those of a sister. In short, your conduct toward the unfortunate Irish patriots has been cold, unfeeling, and I presume to say and prove too, wholly unwarrantable.

The facts have been fully stated by Thomas Addis Emmett. In the summer of 1798, Mr. Emmet, Doct. M'Niven and Arthur O'Conner, with many more of the most virtuous and esteemed men in Ireland, during the suspension of the habeas corpus act, in that ill fated country, and upon mere suspicion, were thrown into prison; the government could not proceed to try them, because it could not discover any proofs to implicate them criminally. On the 29th of July, 1798, an arrangement was entered into by the government of Ireland, with these state prisoners, for effecting an amnesty, and as an inducement, these unfortunate men offered, among other things, to emigrate to such country as might be agreed on between them and the government. Lord Castlereagh declared to them that this government had no worse place in view than America. After the prisoners had performed their part of the stipulation, they made their election to come to this country. Mr. Emmet says, to use his own words, "It (the government) was afraid of letting us go at large to develop and detect the misrepresentations and calumnies that were studiously set afloat, and had therefore, I am convinced, determined to violate its engagement, by keeping us prisoners as long as possible." "On the 16th of September, Mr. Marsden, then under secretary came to inform us that Mr. King had remonstrated against our being permitted to emigrate to America, and on being pressed to know what reason Mr. King could have for preventing us, who were avowed republicans, from emigrating to America, he significantly answered, *It perhaps Mr. King does not desire to have republicans in America.*"

Mr Emmet says again, "the step you (Mr. King) took, was unauthorized by your government—your agreement with that of Ireland, was entered into on the 29th of July; your prohibition was notified to us on the 16th of September; deducted 7 days from the two communications between Dublin and London, and you have precisely 42 days, in the calms of summer, for transmitting your intelligence to America, and receiving an answer." "Your interference was then, sir, made the pretext of detaining us for four years in custody; by which very extensive and useful plans of settlement within those states, was broken up; the misfortunes which you brought upon the objects of your persecution, were incalculable—almost all of us wasted four of the best years of our life in prison. As to me I should have brought along with me my father and his family, including a brother, whose name perhaps, even you will not read, without emotions of sympathy and respect; others nearly connected with me, would have come partners with me in emigration; but all of them have been torn from me—I have been prevented from saving my brother, from receiving the dying blessings of a father, mother and sister, and from soothing their last agonies by my cares; and this sir, by your unwarrantable and interfering interferences."



"My health is declining, for LIEBOWITZ is necessary to my physical, as to my moral constitution. I am often feverish; I take no exercise, and but little rest. I make no complaints, however, for experience has taught me the inutility of so doing."—*Letter of General Lafayette, addressed to the Princess d'Hein, March 15th, 1793, from the Austrian Bastille of Magdebourg.*

[Extract of a letter from Solomon Southwick to W. L. Mackenzie, Sept. 2, 1839.]

I shall never look upon the cause of the Canadian Patriots, in any other light than as the cause of every true friend to the liberties of this country and of mankind. Every sound headed and sound hearted American must deeply regret that British influence has so far paralyzed the moral and political energies of his country, as to cause so large a portion of her population, after a momentary flash of honest feelings, to sit down as calm spectators of a struggle in which the fate of our republican institutions is so deeply involved; for if Canada and the vast unsettled territory connected with it, be retained in the possession of the British Monarchy, and the Chartist of England be defeated and suppressed our liberties are lost. No demonstration of any mathematical problem can be clearer than this. I have not been merely surprised; I have been astonished at the apathy of so many of our citizens of all sects and parties on the Canadian question.

On the first of May next will be issued, on a sheet as large as the Rochester Weekly Republican, and in that folio form the first number of our third year. It will contain more reading matter than any edition heretofore published. We like the quarto shape, as being convenient for binding, but very many of our readers cry out for a large paper, and they will get it.

Mr. Mackenzie's family are removed to the dwelling in Exchange Street, between Albert Smith's and Jason Bassett's, opposite the Upper Bridge. The office of the Gazette is also removed thither.

The impression this week is only three reams, or 1400 copies, and there are not so many subscribers as 1400. Let us treat the friends of freedom and Canada to lend us a hand in giving the third volume a fair start, by renewing their friendly exertions to obtain subscribers. The price of this number is six cents.

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